

JOE HILL
HILL LAW OFFICES
P.O. Box 500917
Saipan, MP 96950
Phone: 670/ 234-6806/7743
FAX: 670/ 234-7753

Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

GLEND A R. TINAY,

Plaintiff,

vs.

RICARDO P. BAUTISTA,

Defendant.

Civil Action No. 05-0003

**PLAINTIFF'S *EX-PARTE*
MOTION TO CORRECT
CLERICAL MISTAKE
UNDER RULE 60(a) Fed. R.
Civ. P.**

Date: _____

Time: _____

Judge: Hon. Alex R. Munson

MOTION

NOW COMES, Plaintiff Glenda R. Tinay, by the through her attorney, Joe Hill, and hereby moves this Honorable Court *ex parte* to correct a clerical mistake pursuant to Fed. R.Civ. P. Rule 60(a). This motion is supported by the Memorandum of Points and Authorities set forth below, together with the other files and papers of record herein.

1. Under Rule 60(a), Fed. R. Civ. P., clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or

1 omission may be corrected by the court at any time of its own initiative or on
2 the motion of any party and after such notice, if any, as the court orders.
3 Clerical mistakes are minor, ministerial errors arising from simple oversight or
4 omission, rather than substantial factual or legal errors. *See In re West Texas*
5 *Mktg. Corp.*, 12 F. 3d 497, 504-05 (5th Cir. 1994).
6

7 2. On July 06, 2007, Entry of Default Judgment was entered by this
8 honorable court against the defendant Ricardo P. Bautista, Jr. In the said
9 Default Judgment, the court stated, “Accordingly, the court reopened the case
10 pursuant to its Order Closing File, No. 38(Oct.6, 2007).”

11 3. The underlined date “2007” in the said Default Judgment should
12 read “2006” and is clearly a clerical or typographical error.
13

14 CONCLUSION

15 Pursuant to Fed. R.Civ. P. Rule 60(a), it is respectfully requested that the
16 date “2007” on page 1, line 15 of the court’s Entry of Default Judgment dated
17 July 06, 2007 be determined to have been a typographical or clerical error and
18 stricken, and replaced with the date “2006” to reflect the court’s actual intention
19 and the necessary implication of its Order and a corrected judgment be entered.

20 **SIGNED** this 12th day of July, 2007.

21 /S/ _____

22 **JOE HILL**
Attorney for Plaintiff